

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSE MANUEL PRIETO-ROMERO,

Petitioner,

v.

A. NEIL CLARK, *et. al.*,

Respondents.

Case No. C06-786RSL

ORDER OF DISMISSAL

This matter comes before the Court on petitioner Jose Manuel Prieto-Romero's "Petition for a Writ of Habeas Corpus" (Dkt. #4), the Government's motion to dismiss (Dkt. #15), and on the Court's February 16, 2007 order (Dkt. #27, the "Order"). In his habeas corpus petition, petitioner challenged the lawfulness of his continued detention without bond under section 236 of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1226 and argued that his detention violates the Due Process Clause of the United States Constitution.

In the Order, the Court found that plaintiff's continued detention was not unlawful but that petitioner was not afforded adequate Due Process at his prior bond hearings. The Court remanded petitioner's case to the Immigration Judge ("IJ") to make an individualized determination as to whether petitioner is a flight risk or a danger to the community. As ordered, the parties have filed a joint status report with the Court explaining that the IJ held a bond redetermination hearing on May 1, 2007 and considered the issue. At the conclusion of the

1 hearing, the IJ ordered “that the bond determination be granted in the alternative to that
2 previously ordered in the amount of \$15,000.” Joint Status Report at p. 2. Although petitioner
3 argues that the IJ did not comply with the Order, the IJ considered whether plaintiff was a flight
4 risk or danger to the community as well as the relevant factors. The Court, having reviewed the
5 transcript of the hearing, the joint status report, and the remainder of the record, finds that the IJ
6 and the parties have complied with the Order. Petitioner has been afforded Due Process.

7 Accordingly, petitioner’s Petition for a Writ of Habeas Corpus (Dkt. #4) is DENIED and
8 this case is DISMISSED with prejudice. The Clerk of the Court is directed to enter judgment
9 accordingly.

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11 DATED this 15th day of May, 2007.

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14 Robert S. Lasnik
15 United States District Judge
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